

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/120,702	02/03/01	JOHN J. BROWN	

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EXAMINER

CRAYER, C

ART UNIT	PAPER NUMBER
2601	14

DATE MAILED:

07/02/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

## Office Action Summary

Application No. 08/932,704	Applicant(s) Morper
Examiner Charles Craver	Art Unit 2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on Apr 13, 2001

2a)  This action is FINAL. 2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

4)  Claim(s) 7-18 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 7-18 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

15) <input type="checkbox"/> Notice of References Cited (PTO-892)	18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____	20) <input type="checkbox"/> Other: _____

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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 10, 11, 13-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akhavan in view of Wiedeman et al.

#### **Regarding claims 10 and 15,**

Akhavan discloses a method for controlling calls in a communication network comprising the steps of

calling, using a telephone number, a wireless terminal (310) connected to base stations of a home area (304), said base stations being connected to terminals of the communication network (see FIG 3), the wireless terminal further wirelessly connectable to a sub-communication network (309),

switching calls directed to the wireless terminal to a base station in the home area (col 21 lines 51-54),

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initiating a call setup for a rerouted call in the sub-network using a phone number of the mobile unit, and

rerouting the call, given non-availability of the wireless terminal in the home area, using the base station, to the sub-communication network, using call deflection (col 21 line 46-col 22 line 2).

Akhavan further discloses the utility of ISDN systems (col 11 lines 20-31, col 9 line 63-col 10 line 22).

Akhavan does not disclose a step of determining the availability of the mobile unit using the base station.

Wiedeman discloses that it is useful in a signaling network comprising a sub-communication network and a number of home area base stations (12), to determine the availability of a mobile unit in the home area prior to setting up a rerouting of a call (col 7 lines 37-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add such a feature to Akhavan. Akhavan discloses the utility of providing the home area network with means for tracking the location of the user, either in the home area or the sub-network (col 21 lines 59-67). Wiedeman further adds that it is useful to allow the home area base station to make the assessment of the availability of the user. Adding said feature to Akhavan would reduce the number of elements in the network by consolidating features at the base station.

**Regarding** claim 11,

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Akhavan discloses that the availability of the mobile unit is determined by the use of a paging method incorporating a base station (column 7 line 52-column 8 line 5).

**Regarding** claim 13,

Akhavan discloses a public switching network (PSTN) and ISDN associated with the communication networks (column 9 line 63-column 10 line 22).

**Regarding** claim 14,

Akhavan further discloses that the rerouting of the call is realized using call deflection or call forwarding, an ISDN standard (column 17 lines 40-47, column 9 line 63-column 10 line 22).

**Regarding** claim 17,

please see the rejection of claim 11 above.

3. Claims 7, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akhavan in view of Wiedeman as applied to claim 15 above, and further in view of the applicant's own admission of prior art.

**Regarding** claims 8 and 9,

Akhavan and Wiedeman, while disclosing a call deflection method, does not disclose that the paging procedure and wireless base station-to-mobile unit connection is implemented according to a DECT or GAP or CAP standard.

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The applicant admits as prior art in the background of the invention the method of using a DECT standard or a GAP or CAP standard in a wireless communication connection, which would include paging (applicant page 1 lines 1-9, page 2 lines 5-9).

It would have been obvious to one skilled in the art at the time the invention was made to incorporate the DECT and CAP or GAP standards, taught by the applicant, into the invention of Akhavan in view of Wiedeman, as it would allow the invention to work along with set standards.

**Regarding claim 7,**

Akhavan in view of Wiedeman, while disclosing a call deflection method, does not disclose that the communication terminal is implemented according to one of an SO and UKO-ISDN access.

However, it is well known in the art to apply an access standard such as SO or UKO-ISDN access to an ISDN connection in a wireless communication protocol, and the examiner takes official notice as such.

It would have been obvious to one skilled in the art at the time the invention was made to incorporate the SO or UKO-ISDN standards, taught by the applicant, into the invention of Akhavan in view of Wiedeman as it would allow the invention to work along with known standards.

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4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Akhavan in view of Wiedeman as applied to claim 10 above, and further in view of the applicant's own admission of prior art.

Please see the rejection of claim 8 above.

5. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Akhavan in view of Wiedeman as applied to claim 15 above, and further in view of the applicant's own admission of prior art.

Please see the rejection of claim 8 above.

***Response to Arguments***

6. Applicant's arguments with respect to claims 10 and 15 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

**7. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications intended for entry)

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**Or:**

(703) 872-9314 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, sixth floor (receptionist).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Craver whose telephone number is (703) 305-3965.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost, can be reached on (703) 305-4778.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

*CC*  
C. Craver  
June 27, 2001

*Nay Maung*  
NAY MAUNG  
PRIMARY EXAMINER